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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 7th June, 1979/Jyaistha 17, 1901 (Saka)
THE ANDAMAN AND NICOBAR ISLANDS
(ADMINISTRATION) REGULATION, 1979
No. 4 of 1979

Promulgated by the President in the Thirtieth Year of the Republic of India.

A Regulation to make provisions for the administration of the Union territory of the Andaman and Nicobar Islands and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Administration) Regulation, 1979.

(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of the Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;

Short title, extent and commencement.

Definitions.

(b) "Official Gazette" means the Andamans Gazette;

(c) "Panchayat" means a Gram Panchayat constituted under section 11 of the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961;

4 of 1961.

(d) "Pradesh Council" means the Pradesh Council constituted under section 3;

(e) "Union territory" means the Union territory of the Andaman and Nicobar Islands.

CHAPTER II

PRADESH COUNCIL

Constitu-
tion of
Pradesh
Council
and its
composi-
tion.

3. As soon as may be after the commencement of this Regulation, there shall be constituted a Pradesh Council for the Union territory consisting of—

(a) the Administrator;

(b) the member of the House of the People representing the Union territory;

(c) the senior Vice-Chairman of the Port Blair Municipal Board;

(d) twenty-two persons to be elected or nominated from the areas of the Union territory specified in column (2) of the Table below paragraph 1 of the First Schedule in the manner specified in that Schedule;

(e) one person belonging to any of the Scheduled Tribes of Andamanese, Onges and Shompens to be nominated by the Administrator; and

(f) one woman to be nominated by the Administrator if no woman becomes a member of the Pradesh Council under any of the foregoing clauses.

Cesser of
member-
ship in
certain
cases.

4. A person who is a member of the Pradesh Council under clause (a) or clause (b) or clause (c) of section 3, or who is elected or nominated as a member under clause (d) of the said section, shall cease to be such member when he ceases to be the Administrator, a member of the House of the People, the senior Vice-Chairman of the Port Blair Municipal Board or, as the case may be, ceases to hold the office, if any, by virtue of which he was elected or nominated as a member of the Pradesh Council.

Disquali-
fications
for
Member-
ship of
Pradesh
Council

5. A person shall be disqualified for being nominated or elected as, and for being, a member of the Pradesh Council if he has incurred or incurs any of the disqualifications specified in section 13 of the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961:

4 of 1961.

Provided that a person shall not be disqualified under this section merely on the ground of his holding the office by virtue of which he becomes, or has been nominated or elected as, such member.

6. The Pradesh Council, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Pradesh Council:

Duration
of
Pradesh
Council.

Provided that the Administrator may, with the previous approval of the President, by order in writing, extend the said period by a period or periods not exceeding one year in the aggregate, and every such order shall be notified in the Official Gazette.

7. (1) A member of the Pradesh Council elected or nominated under clause (d) or clause (e) or clause (f) of section 3 may resign his office as such member by intimating in writing his intention to do so to the Administrator and such resignation shall take effect from the date of its receipt by the Administrator.

Resigna-
tion of
member-
ship and
filling
up of
casual
vacancies.

(2) A casual vacancy in the membership of the Council under clause (d) or clause (e) or clause (f) of section 3 shall be filled by election or nomination, as the case may be, in accordance with the provisions of this Regulation:

Provided that a member elected or nominated under this sub-section shall hold office only for the remainder of the term of office of the member in whose place he is elected or nominated.

8. Every member (other than the Administrator) of the Pradesh Council shall, before taking his seat, make and subscribe before the Administrator or some person appointed in that behalf by him, and the Administrator shall before taking his seat, make and subscribe before some person appointed in that behalf by the Central Government, an oath or affirmation according to the form set out for the purpose in the Second Schedule.

Oath or
affirma-
tion by
members.

9. No act or proceeding of the Pradesh Council shall be invalid by reason only of the existence of any vacancy among its members or of any defect in the constitution thereof.

Vacancies,
etc., not to
invali-
date acts
or pro-
ceedings
of Council.

10. (1) The Administrator shall, from time to time, summon the Pradesh Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session,

Sessions
of council

(2) The Administrator may, from time to time,—

(a) prorogue the Pradesh Council;

(b) with the approval of the President, dissolve the Pradesh Council.

Func-
tions of
Pradesh
Council

11. (1) The Pradesh Council may discuss and make recommendations to the Administrator on—

(a) matters of administration, relating to the Union territory, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(b) the five-year plans and annual plan proposals for the development of the Union territory;

(c) the estimated receipts and expenditure pertaining to the Union territory to be credited to, and to be met from, the Consolidated Fund of India;

(d) proposals for undertaking legislation for the Union territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(e) any other matter which the Administrator may refer to the Pradesh Council for consideration and advice.

(2) Subject to rules regulating the procedure of the Pradesh Council and subject to the discretion of the Administrator to refuse to give information or to allow discussion on any subject in the public interest, every member of the Pradesh Council shall have the right to ask questions on matters of public interest enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution in so far as such matters relate to the Union territory.

Adminis-
trator
to preside
over
meetings
of Pra-
desh
Council

12. (1) The Administrator shall preside at the meetings of the Pradesh Council.

(2) During the absence of the Administrator from any meeting of the Pradesh Council, such person as the Administrator may designate from a panel prepared by him from amongst the elected members of the Pradesh Council, shall preside at such meeting.

Powers
and
privi-
leges of
members.

13. (1) Subject to the provisions of this Regulation and to the rules and standing orders regulating the procedure of the Pradesh Council, there shall be freedom of speech in the Pradesh Council.

(2) Neither the Administrator nor any other member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Council or any committee thereof and no person shall be so liable in respect of publication by or under the authority of the Council of any report, paper, or proceedings.

Salaries
and
allow-
ances
of mem-
bers

14. Every member of the Pradesh Council other than the Administrator shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.

Rules of
proce-
dure.

15. (1) The Pradesh Council may make rules and standing orders for regulating, subject to the provisions of this Regulation, its procedure and the conduct of its business.

(2) Until any rules or standing orders are made under sub-section (1), the procedure of the Pradesh Council and the conduct of its business shall be regulated in accordance with such general or special orders as the Administrator may make.

16. No discussion shall take place in the Pradesh Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Restric-
tion on
discus-
sions in
the
Pradesh
Council.

17. (1) The validity of any proceedings in the Pradesh Council shall not be called in question on the ground of any alleged irregularity of procedure.

Courts
not to
inquire
into pro-
ceedings
of Pra-
desh
Council.

(2) No member of the Pradesh Council in whom powers are vested by or under this Regulation for regulating the procedure or the conduct of business of, or for maintaining order in, the Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III

COUNSELLORS

18. (1) Subject to the provisions of sub-section (2), the Administrator may appoint three persons as Counsellors from amongst the members of the Pradesh Council referred to in clause (d) of section 3.

Appoint-
ment
of Coun-
sellors,
their
term of
office,
etc.

(2) One of the Counsellors appointed under sub-section (1) shall be a member of any of the Scheduled Tribes from the Nicobar group of Islands and the other two Counsellors so appointed shall be from the Andaman group of Islands.

(3) A Counsellor shall hold office during the pleasure of the Administrator.

(4) Before a Counsellor enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

(5) Every Counsellor shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.

19. (1) The Administrator may, from time to time, consult any Counsellor or all the Counsellors on any matter relating to the administration of the Union territory and any views expressed by the Counsellor or Counsellors on such matters shall be recommendatory in nature.

Func-
tions of
Counsel-
lors.

(2) The Administrator may make rules defining the procedure to be followed for consulting the Counsellors.

CHAPTER IV

MISCELLANEOUS

20. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Power to
make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed for consulting the Counsellors under sub-section (2) of section 19;

(b) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation.

THE FIRST SCHEDULE

[See section 3(d)]

MANNER IN WHICH PERSONS SHALL BE ELECTED OR NOMINATED TO THE PRADESH COUNCIL

Areas
and
their
representa-
tion.

1. For the purposes of election or nomination of members of the Pradesh Council under clause (d) of section 3, the number of persons to represent the areas specified in column (2) of the Table below shall be as specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Areas	No. of persons
(1)	(2)	(3)
1	Diglipur Tahsil	2
2	Mayabunder Tahsil	2
3	Rangat Tahsil	3
4	Areas within the jurisdiction of the Port Blair Municipal Board	2
5	Port Blair Tahsil (excluding areas covered by the Port Blair Municipal Board)	3
6	Ferrargunj Tahsil	3
7	Car Nicobar Tahsil	4
8	Nancowri Tahsil excluding Great Nicobar	2
9	Great Nicobar	1

Manner
of elec-
tion or
nmina-
tion to
Pradesh
Council
from
various
areas.

2. (1) The persons to represent the areas within the jurisdiction of the Port Blair Municipal Board in the Pradesh Council shall be elected by the members of the said Municipal Board from amongst themselves.

(2) Subject to the provisions of sub-paragraphs (3) and (4), the representatives of any area, other than the area within the jurisdiction of the Port Blair Municipal Board, shall be elected by an electoral college consisting of the Pradhans of all the Panchayats in the Union territory from amongst the Pradhans of the Panchayats in that area.

(3) The representatives of any area in the Nicobar group of Islands, other than the Great Nicobar area, shall, until Panchayats are constituted in any such area, be elected by an electoral college consisting of all the Captains of Tribals in the Union territory from amongst the Captains of Tribals in that area.

(4) The representative of the Great Nicobar area shall, until Panchayats are constituted in that area, be nominated by the Central Government.

Explanation 1.—In this paragraph and in paragraphs 3 and 4, “representative” in relation to any area means the person to represent that area in the Pradesh Council.

Explanation 2.—In this paragraph and in paragraph 3, the expression “Captains of Tribals” includes “Chief Captains of Tribals”.

3. If the Pradhans of the Panchayats or, as the case may be, the Captains of Tribals fail to elect the representatives of any area, the representatives of that area shall be nominated by the Central Government.

Nomina-
tion in
certain
areas.

4. The election of the representatives shall be by show of hands and shall be conducted by such person as the Administrator may, by notification in the Official Gazette, authorise in this behalf.

Conduct
of elec-
tions.

THE SECOND SCHEDULE

(See section 8)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE PRADESH COUNCIL

“I, A B, a member of the Pradesh Council for the Union territory of _____
swear in the name of God
the Andaman and Nicobar Islands, do _____ that
solemnly affirm
I will bear true faith and allegiance to the Constitution of India as by
law established, that I will uphold the sovereignty and integrity of India
and that I will faithfully discharge the duty upon which I am about to
enter.”

THE THIRD SCHEDULE

[See section 18(4)]

FORM OF OATH OF OFFICE FOR A COUNSELLOR

swear in the name of God
“I, A B, do _____ that I will bear true faith and
solemnly affirm
allegiance to the Constitution of India as by law established, that I will
uphold the sovereignty and integrity of India, that I will faithfully and
conscientiously discharge my duties as a Counsellor to the Administrator
of the Union territory of the Andaman and Nicobar Islands and that I
will do right to all manner of people in accordance with the Constitution
and the law, without fear or favour, affection or ill-will.”

FORM OF OATH OF SECRECY FOR A COUNSELLOR

swear in the name of God

"I, A B., do ————— that I will not directly or in-
solemnly affirm

directly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Counsellor to the Administrator of the Union territory of the Andaman and Nicobar Islands except as may be required for the due discharge of my duties as such Counsellor."

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secretary to the Govt. of India.